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No. 89-1661

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IN THE
Supreme Court of the United States

OCTOBER TERM, 1989

NORTHERN CALIFORNIA DISTRICT COUNCIL
OF LABORERS, AND
CARPENTERS 46 NORTHERN CALIFORNIA
COUNTIES CONFERENCE BOARD,

Petitioners,
v.

MESA VERDE CONSTRUCTION CO.,
Respondent.

On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Ninth Circuit

SUPPLEMENTAL BRIEF RE:
SUBSEQUENT CITATION OF AUTHORITY

VICTOR J. VAN BOURG *
SANDRA RAE BENSON
VAN BOURG, WEINBERG,
ROGER & ROSENFELD
875 Battery Street, 3rd Floor
San Francisco, CA 94111
(415) 864-4000
Attorneys for Petitioners

June, 1990

* Counsel of Record

TABLE OF AUTHORITIES

Cases	Page
<i>Deklewa v. International Assn. of Bridge, Structural and Ornamental Iron Workers</i> , 282 NLRB No. 184 (1987)	2
<i>NLRB v. Bufco Corp. and Corbett Electric Co.</i> , No. 89-1876, 1990 U.S. App. Lexis 4924 (7th Cir., April 4, 1990), enforcing 291 NLRB No. 136, 130 LRRM 1116 (1988)	2



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**SUPPLEMENTAL BRIEF RE:
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This Supplemental Brief is filed on behalf of Petitioners in accordance with Rule 22.6 to call to the Court's attention a citation discovered subsequent to the filing of the Petition for Writ of Certiorari.

On April 25, 1990, Petitioners filed their Petition for Writ of Certiorari seeking this Court's review to resolve

the conflict between the Ninth Circuit's decision in the instant case, which refused to apply the National Labor Relations Board's decision in *Deklewa v. International Assn. of Bridge, Structural and Ornamental Iron Workers*, 282 NLRB No. 184 (1987) retroactively, and the decisions of the Third and Eighth Circuits which did apply the *Deklewa* decision retroactively.

Subsequent to the filing of the Petition for Writ of Certiorari, Petitioners' counsel learned that the Seventh Circuit has likewise decided to apply *Deklewa* retroactively. *NLRB v. Bufco Corp. and Corbett Electric Co.*, No. 89-1876, 1990 U.S. App. Lexis 4924 (7th Cir., April 4, 1990), enforcing 291 NLRB No. 136, 130 LRRM 1116 (1988).

Therefore, the decision below, which was a split panel decision, is now in conflict with the decisions of the Third, the Seventh and the Eighth Circuits on this issue of national significance affecting federal labor relations law.

Respectfully submitted,

VICTOR J. VAN BOURG *
SANDRA RAE BENSON
VAN BOURG, WEINBERG,
ROGER & ROSENFELD
875 Battery Street, 3rd Floor
San Francisco, CA 94111
(415) 864-4000
Attorneys for Petitioners

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